

Regional Energy Options

**Prepared for North East Victoria Energy
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Introduction

The purpose of this paper is to clearly and briefly identify the options for energy purchasing for North East Victoria i.e. how to maximise cheaper prices and improved services for consumers.

The issues and debates are sometimes confused by inappropriate definitions and applications.

Critical terminology to this discussion includes the following:

Aggregator: A person and/or organisation that combines end-use consumers into a group and arranges for the acquisition of energy supplies without taking title to those services.

Competition: A market that has many potential buyers and sellers and no one seller or group of sellers of a commodity or service is able to control the price for that commodity or service.

Co-operative: A service-driven business formed by its member-owners to provide a service based on mutual self-help. Voting is based on one vote per member.

Default provider: The provider of an electric service to end-use consumer that has not chosen a provider.

Distribution Service: Delivery service provided by companies operating in specific franchise areas – Powercor, Eastern Energy, AGL, CitiPower and United Energy. Distribution companies deliver electric energy from points on the transmission system to consumers.

Generation: A number of competing companies which generate electricity by converting mechanical, chemical and/or nuclear energy into electric energy for sale to retailers.

Incumbent Provider: The provider of electric service to an end-user consumer on the day prior to the first end-user consumer having access to contestable electricity services.

Investor-owned company: A capital-driven business established to generate profits for its investors. Voting is usually based on one vote per share. Capital-drive.

Retailer: A purchaser of electricity from bulk suppliers and selling it to retail consumers. The electricity is physically transported by a distributor.

Based on known givens and uncertainties, it is important to establish a clear and realistic scenario of future developments in the electricity industry to provide a genuinely factual basis for examining regional energy options. It is critical to be clear about the issues and the options otherwise there will be significant misinformation and misinterpretation. Claimed facts are not necessarily facts because they are claimed to be facts.

What the terminology illustrates, for example, is a clear differentiation between aggregators, distributors and retailers and between co-operatives and investor-owned companies. The argument for co-operative aggregation has been addressed by Co-operative Energy Ltd in other publications such as **Consumer Aggregation** (1999-2000). Co-operative Energy Ltd has also addressed the co-operative option as a social enterprise in publications such as **Co-opPower: Empowering Communities** (2000). What is crucial to the co-operative difference is how it is by consumers rather than for consumers. This is addressed in the Co-operative Energy Ltd publication **Small Consumer Empowerment** (1999).

Any proposed group or bulk purchasing arrangement would mean that the initiators would not have to become, in effect, a distributor and/or assume the legal obligation to contract for,

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purchase and pay for the contracted amount of energy and in turn to invoice and secure payments for that energy. This claim is factually incorrect.

An aggregator could wish to become a distributor but an aggregator does not automatically become a distributor for this is subject to a licence application. Victoria has five distribution companies operating in specific geographical areas. It would be extremely difficult to establish a new distributor attempting to operate in the distribution areas of these companies other than inset areas such as the Docklands and at the boundaries of the distribution companies. Renewable energy, however, provides another option for dispersed generation and distribution.

There is also a significant difference between a group of consumers who aggregate numbers and volume through a co-operative and an investor-owned company that aggregates consumers.

The Context for the development of an energy option is first briefly examined.

The paper, then, addresses the various options for a regional energy group:

- ⇒ Ownership Options – the different ownership models for an energy group.
- ⇒ Organisational Choices – the organisational options for the energy group.
- ⇒ Business Choices – the business activity options.
- ⇒ Membership – who will be the members and the recruiting strategy.
- ⇒ Development – the developmental stages.

Context

Victoria's electric industry has been privatised with the sale of the publicly-owned State Electricity Commission of Victoria's generators, distribution and retailing systems to investor-owners. Contestability has also complemented privatisation with a phasing-in of contestability for consumers i.e. the right to shop around for an electricity supplier.

From 1 January 2001 in Victoria and New South Wales all consumers will be able to choose their retailer. In Victoria the date has been set in by legislation.

The industrial sector has been the most aggressive and successful in negotiating lower electricity prices and better services facilitated by phased contestability Victoria – the inevitable consequence of big dogs eating first.

The energy regulatory and business environment is in flux. It is unstable and uncertain because the industry is being reinvented and the rules are still being developed, debated and decided. Advice from industry representatives, whether a distributor and/or retailer, are at best tenuous predictions of what might happen and/or their personal preferences and, therefore, need to be qualified. While paying lip-service to contestability, the retail arms of distribution companies have a short-term interest in maximising the retention of small consumers and this could influence their short-term advice on developments. While margins derived from small consumers are low, small consumers are significant sources of cash flow.

There is convergence between the electricity and gas markets and an outcome of this is the emergence of the multi-utility companies.

The Coalition Government in Victoria, for instance, had proposed that from January 2001 when all residential consumers would be able to shop around for their electricity supplier that the regulation of retail prices would cease. The election of a Labor Government in 1999 has seen a reversal of this policy for the new Government is committed to the retention of a Maximum Uniform Tariff after 2001. It needs to be recognised, however, that the Minimum Standards Working Group of the Office of the Regulator-General, Victoria, has been considering a default tariff after January 2001.

The Office of the Regulator-General, Victoria, is undertaking a review of Minimum Service Standards in preparation for full retail contestability from January 2001. Co-operative Energy Ltd is represented on the Minimum Standards Working Group. ORG is also undertaking a price review of distribution pricing to apply from January 2001. Co-operative Energy Ltd has made five submissions to the distribution pricing review. In its submission to the review, Eastern Energy has proposed an average reduction of 7% in 2001 DuoS bill for residential consumers. It is also proposed that the 123,883 lowest consumption residential & commercial consumers will receive an average reduction of 8%.

Linda McMillan, of Farrier Swier Consulting, has argued that the energy regulatory regime is being re-examined for the following reasons:

The expansion in the number of contestable customers and the number of new entrant retailers

- ⇒ Need to protect customers and other retailers from anti-competitive and inappropriate practices.
- ⇒ Present processes are inefficient and need to be streamlined and electronic to minimise switching costs.

Increased number of contestable customers is likely to give rise to practical problems:

- ⇒ Applying existing regulatory instruments.

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- ⇒ Using existing wholesale market systems (e.g. requirement for Code compliant metering for customers who change retailer, workings of wholesale market settlements).
- ⇒ Regulatory instruments (such as the Supply and Sale Code in Victoria) which only apply to franchise customers – will cease to have effect when there are no longer any customers in that class.
- ⇒ Amendments to the Electricity Industry Act which take effect on 1 January 2001, which, amongst other things, remove the ability to put in place deemed contracts with franchise customers.

From a consumer perspective, the key issues to be resolved include:

Refusal to service.
 Cherry-picking.
 Geographical-based pricing.
 Varying infrastructure development.
 Incumbency advantage.
 Level and type of service.
 Disproportionate price disparities between small and large consumers.
 Disproportionate allocation of common costs.
 The imposition of new unbundled fees.
 Appropriate cost allocation.
 Appropriate cost recovery.
 Appropriate measures to support energy efficiency and renewables.
 Higher charges for high risk and high cost consumers.

There is an increasingly fine line between discriminatory standards and service differences. In its **2001 Electricity Distribution Price Review**, United Energy has suggested that there is a choice between three distribution system standards of service:

Regulatory
 Customer Value
 Customer Premium

Standard of Service	Regulatory	Customer Value	Customer Premium
Description	A minimum cost alternative which, if adopted, will mean that UEL will maintain the current service levels, reliability and safety standards, meet increasing energy demand, new customer growth and the new requirements of the Office of the Chief Electrical Inspector.	Additional benefits – enhanced community and environmental benefits through a range of programs including a joint approach to undergrounding, assistance in the form of financial and other support services to customers experiencing difficulty through a new UEL Hardship policy, further enhancement to current levels of customer service, supply quality and	Builds on Customer Value with additional benefits – further improvements in supply reliability levels setting world best practice for distribution networks of the same nature as UEL's, direct environmental benefits to customers and the community in the form of improved visual amenity and a reduction in green house gases, through projects to underground network

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		reliability and innovative tariff structures and associated special purpose rebates.	assets and achieve a reduction in network electrical losses and initiatives in co-operation with local government and the community to support regional economic development, safety and security programs.
Tariffs		Tariff choice e.g. residential choice between flat prices and seasonally differentiated prices and business choice between a few and many time-of-use pricing options. Aged pensioners rebate Potential to save from demand and environmental management	Tariff choice Aged pensioner rebate Potential to save from demand and environmental management
Hardship		No disconnection for inability to pay.	No disconnection for inability to pay.
Greenhouse		Maintaining current distribution loss levels.	Distribution losses reduction.
Reliability		Improved levels	Further improved levels to best practice

Legislation will provide an overall structure for energy regulation. There is a need for a regulatory framework which protects the interests of consumers and facilitates flexibility and innovation through competition and regulation. Essential to protecting consumers is the exposure to market risk – to fluctuating prices and passing through of costs and charges.

The overriding function is protecting consumers and this is best protected through competition and, therefore, facilitating competition and how this should be facilitated in the interest of consumers. If this interest cannot be protected through competition, then, regulative options will be necessary. The consumer interest is short and long term and is equally interested in cheaper prices, the quality of supply and a supply that is accessible, safe and reliable.

Whatever the outcome of this deliberative process, the rules and regulations for small consumer choice in the electricity market from January 2001 will be complex and obscure and could be increasing problematic because of exposure to risk. It will be difficult for individual small consumers to exercise choice because the total amount of savings achievable by individual small consumers are unlikely to be large enough to balance the time and costs involved in exercising choice and the retail arms of host distributors may offer small consumers discount prices, with or without government encouragement, to induce consumer inertia and minimise switching. An example of this is the possibility foreshadowed by United Energy of a 10% price decrease for its consumers from 1 January 2001. The basis for these price decreases may be a regulatory decision to reduce network tariffs. Consumers will also wish to minimise their market risk.

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The restructuring of the electricity industry is a co-operative opportunity. The notion of aggregation is to introduce competition for small consumers because the individual small consumer does not have equal access to the market. By aggregating numbers and volume of small consumers it will be possible to exercise bargaining power not only in securing better prices and improved services but also in influencing legislative and regulative outcomes. In the short and long-term, an energy co-operative would also be able to represent small consumers in a way that is not possible through consumer advocates.

A North East energy co-operative would ultimately increase economic opportunities and benefits for a significant population in the North East through consumer-owned co-operatives which offer consumers an economical, reliable, and sustainable. What is possible is demonstrated by the experience of electric co-operatives in the U.S.A.

Ownership Options

The ownership models for a North East energy group vary and include the following:

Sole proprietor
Trust
Partnership
Company
Association
Local Government
Co-operative

Key issues in deciding on an appropriate ownership model, for example, are:

Purpose for which the structure is to be used
Desired control of the structure.
Considerations of risk and potential liability.
Demands of applicable regulatory arrangements.
Costs involved in establishment

Model	Characteristics	Comment
Sole proprietary	Business conducted personally by an individual. May employ staff. Minimal costs. Unlimited liability.	Not applicable.
Trust	The City of Moreland has established an Energy Trust.	
Partnership	Created orally or by conduct. Contractual relationship between parties. Not a separate legal entity. Easily dissolvable. All parties equally liable. Absence of perpetual succession.	Not applicable.
Company	Incorporated under Corporations Law. Separate legal entity – distinct from shareholders and directors. Can be a proprietary or public company. Private company only has to have one shareholder.	Private company inappropriate. Public company appropriate.
Association	Incorporation under Incorporations Act	Inappropriate for business activity.
Co-operative	Incorporated under Co-operatives Act. Can be a trading or non-trading co-operative. Limited liability.	Appropriate.
Local Government	Statutory body.	Appropriate

The characteristics of a structure are the most important when assessing ownership models.

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Appropriate ownership models are a trust, a company, a co-operative and local government. Inappropriate ownership models are a sole proprietor, a partnership and an association.

A co-operative is preferable to a company if there is a preference for democratic ownership and control – one vote per member irrespective of their size, energy usage and shareholding if any. If dividends are to be payable to members based on usage, then, this can be separated from control of the co-operative. It is a common co-operative practice to separate dividend payments from ownership control.

The energy co-operative model is based on the USA experience of electric co-operatives with the following statistical highlights:

- 934 electric co-ops serve 30 million people in 46 states.
- Electric co-ops have more than 12 million consumer member owners,
- Electric co-ops serve 10.8 percent of the nation's population – 7.4% of kilowatt hours sold and 5% of electricity generated by the electric utility industry.
- Electric co-ops own and maintain nearly half the electric distribution lines in the U.S.A. – covering three quarters of the land mass.
- Electric co-op assets exceeded \$62 billion in 1995.
- Co-ops serve an average of 5.8 consumers per mile.

There are 3100 electric utilities in the USA

1956 publicly owned
934 co-operatives
210 investor-owned

If, however, the members have a preference for their control being in direct proportion to their contribution (whether shareholding capital and/or usage), then, co-operative ownership will not be a viable model. This preference has resulted in conversion of some co-operatives into companies when a minority of members wanted more control in proportion to their actual and/or perceived contribution and persuaded the majority to accept this.

A co-operative is also preferable if there is agreement with the social objectives and values of co-operative philosophy and principles. It is only the co-operative form of ownership that has a clear historical and theoretical philosophy, principles and practice since the 19C. Of course, this is subject to agreement with the specific philosophy, principles and practice.

A local government ownership model is a possibility particularly if there is a preference for public rather than co-operative ownership. After all, local government was previously involved in the generation, distribution and retailing of electricity. It is important, however, to recognise the clear differences between co-operative and public ownership. Local government is already involved in energy purchasing through two local government purchasing groups – CPS and MAPS. In 1989 Victorian local government, water boards and foreshore committees established a shared services co-operative under the auspice of the Municipal Association of Victoria – now known as Co-operative Purchasing Services Ltd. MAPS is an investor-owned competitor.

The newly elected Labor Government in Victoria has a commitment to the involvement of local government in the energy market. In Brighter Ideas Labor's Vision for Energy sets out the Labor Party's proposals for the energy industry. Policy highlights include giving local council the opportunity to become electricity retailers: "Labor will give local councils the opportunity to become electricity retailers at their initiative. This will allow consumers to purchase their electricity from a retailer that is not seeking to extract maximum profits."

According to the policy: "Councils will be able to purchase electricity from electricity companies as agents for their ratepayers. All residents within a municipality will be customers of the council

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unless they decide to opt out. Most councils already have the billing and customer infrastructure in place, and most have experienced negotiating electricity contracts, so costs for councils would be minimal.”

The policy is somewhat disingenuous in not identifying options for councils and in not recognising the complexities and risks of retailing. Councils do have some experience in negotiating electricity contracts for their own premises. This has not always been direct, however, and could be through an individual broker or the CPS/MAPS purchasing groups. While costs are reduced through aggregation, costs would initially increase because of the obvious difference of administering 3,000 to 250,000 accounts to negotiating contracts for a limited number of council premises.

Retailers buy their electricity through the wholesale market and are, therefore, exposed to price fluctuations. Price fluctuations in the market are not insignificant issues and have been subject to investigation in the U.K. and the U.S.A. There have already been some significant reported losses for utilities in New South Wales and Queensland in Australia's electricity market. The history and experience of these price fluctuations and market risk which can lead to losses is a warning to existing and would-be participants in the electricity market. As a limited aggregator, however, local government could avoid being exposed to this market risk. There are also significant unresolved pricing issues that could impact on the exposure of retailers – the potential pass through of ancillary service charges and distribution losses.

Local government could become an aggregator for small consumers and this could be taken on as an additional service – in addition to roadworks, child care services, library services and leisure services. Equally, however, local government could participate in and be a member of an energy co-operative whose ownership and control would be broad and direct. This would be consistent with the Government's stated policy.

Organisational Choices

Assuming the preferability of the co-operative ownership model: How should energy co-operatives be organised? Should there be local area energy co-operatives united under a regional structure co-operative by geographic area, by affinity groups or just let the organisers of these co-operatives decide what they want to do individually.

Six organisational options have been identified as follows:

- **Horizontal Organizing with Geographical Integrity.** Bring organisations committed to energy co-operative development together in a geographic area to create an energy co-operative.
- **Vertical Organizing within a State.** Have aggregations and large organisations within a state form their own energy coop to serve their members, then have those energy co-operatives join a Statewide organisation e.g. Co-operative Energy Ltd.
- **Vertical Organising Across States:** Organise energy co-operatives for large aggregations, pull their members out of the geographically organised energy co-operatives.
- **Aggregation Efforts feeding Horizontally Organised Co-operatives:** Organisers support aggregations of all kinds to form and develop a relationship with local area energy co-operatives organised under a regional structure.
- **Pot Pouri:** Let every organiser decide on their own what kind of organising they will do. Let someone organise credit unions across the region into an energy co-operative.

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It is recommended that there is a need to balance decentralized and centralized approaches to the development of energy co-operatives. Local/regional energy co-operatives should be developed in areas such as North East and North West Victoria. Local individuals and their organisations would join their local/regional energy co-operative. This approach is being adopted by new energy co-operatives in the USA.

Co-operative Energy Ltd is also working with Gateway BEET for the development of an energy co-operative in North West Victoria.

Business Activity Choices

There are critical choices about the business activities of the energy co-operatives. These need to be considered on the following basis:

Roles may need to be changed from time to time.

Local/regional goals.

Geographical situation.

Market situation.

It is crucial to successful implementation and operation to clearly define and be clear about roles and recognise that these roles may need to be modified from time to time.

The business operation options are summarised below:

Business Operations	Characteristics	Comments
Distributor	Licence is required. Five distribution businesses in Victoria exercise a monopoly. Powercor has recently been granted a licence to distribute electricity in Melbourne's Docklands. The Office of the Regulator-General, Victoria, has pointed out that there is scope for competition in distribution but that there is limited scope for competition once the infrastructure is in place and under the control of a particular licensee. There is no such thing as a defacto or virtual distributor.	Distribution is capital intensive, a monopoly and profitable for distributors. There is limited scope for instep distribution. Labor Government policy has stated that local government could become involved in distribution. This would require purchasing lines and wires from existing distribution monopolies or creating a duplicate network.
Retailer	Licence is required. As at December 1997 there were 17 electricity retailers in Victoria including the retail arms of the five distribution companies In Victoria. Twelve of the 17 are retail arms of distribution businesses throughout Australia.	Margins are low and there is strong competition for market share.

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Generator	Licence is required.	Capital intensive. Dispersed renewable generation is a possibility but competitive and dependent on cash resources.
Minimal Aggregator	Minimal aggregation is facilitating the aggregation of numbers and volume. There are two existing energy purchasing groups for local government through MAPS and Co-operative Purchasing Services Ltd which involve no market risk for the purchasing schemes and no exposure to price increases. Local government may also directly purchase without using these schemes.	Minimal aggregation involves minimal risk.
Maximum Aggregator	Maximum aggregator could be full-service which includes competitive energy pricing and energy efficiency. The development of new energy co-operatives in the USA are based on full-service model.	Maximum aggregation risk would depend on the level and scope of business activities.

An aggregator is not a distributor – real or virtual.

An aggregator may contract with suppliers and consumers. But, this is not necessary or inevitable. In the U.K. for instance, the Union Energy aggregation scheme involves contractual arrangements between the supplier and the individual consumer – not between the broker (the Trade Union Congress) and the supplier. There is no financial exposure, therefore, for the Trade Union Congress. The Co-opEnergy Purchasing Group has acted for a group of non-profit aged care agencies throughout Victoria – negotiating an electricity supply contract based on a tender. Agencies were not obligated to contract with the preferred supplier. Those who did, however, established a contractual relationship between themselves and the supplier – not with Co-operative Energy Ltd.

With both the Union Energy and the Co-opEnergy Purchasing Groups, metering and billing remain the responsibility of the preferred supplier. The same could apply to a North east energy group. A North East energy group could take on metering and billing but this would introduce extra costs and the costs of undertaking this might not sufficiently outweigh the benefits.

The role of and services offered by an aggregator could differ. It could, for instance, be limited, at least initially, to securing a better price and improved services. In time, it could be extended to include heating oil, propane, solar power PV systems installation and energy efficiency product and services. It could also extend to metering and billing but this will depend on industry developments, cost benefit assessment and licensing requirements.

An aggregator could operate on a basis of varying degrees of risk and licensing requirements.

Membership Choices

A critical issue is to determine the membership basis for an energy co-operative. The broad options are to target no one in particular or to target particular groups and/or organisations and their membership at least initially.

It is recommended that membership sign-up should be initially targeted at organizing partners and their memberships e.g.

- Small sized business.
- Medium sized businesses.
- Churches.
- Community service agencies.
- Civic associations.
- Credit unions.
- Environmental groups.
- Friendly societies.
- Trade unions
- Professional organisations

This would be in preference to targeting non-differential consumers through direct recruitment appeals. Instead, reliance would be based on the affinity of the members to the organising partners. This would also require the development of education and training forums and packages for and with organising partners and their members.

Development

The developmental requirements for a North East energy co-operative are summarised below in three categories:

Member Development
Organisational development
Co-operative business development.

	Member Development	Organisational Development	Co-operative Business Development
Stage One	Build partnerships with membership organisations. Educate members and the public about energy co-operatives.	Identify the coop's mission and values. Adopt a strategic plan.	Conduct market research. Decide what to sell to whom. Conduct a feasibility study.
Stage Two	Recruit members.	Incorporate the energy co-operative. Establish a founding board. Adopt by-laws and a membership agreement.	Write the business plan. Secure start-up financing.
Stage Three	Recruit and sign on new members for products and services. Orient new members to the co-operative.	Hire a General Manager. Establish the office. Open a bank account. Hire staff.	Negotiate contracts for products and services. Establish marketing and sales, customer information and product delivery systems. Arrange for backroom services.
Stage Four	Ongoing marketing, member recruitment, member sales, member service, and support for member participation in co-operative governance.	Ongoing strategic planning, evaluation, education and training.	Selling products and services.

Conclusion

There are various regional energy options which involve various levels of business activity and, therefore, market risk.

In identifying these options, it is critical to be both accurate and clear about the potential, choices and the risks. The market is still under development and key structural and regulative issues remain to be resolved.

The discussion of options is not assisted by ill-informed comments which are based on inaccurate claims based on misinformation and misunderstanding and an inability to recognise the nature of these unresolved issues.

While there are unresolved issues, an energy co-operative could significantly contribute to the public policy debate on resolving these issues – rather than waiting for someone else to resolve the issues.

While the choices we make can influence small consumer exposure to risk, risk is unavoidable. A debate that is dominated by industry representatives, regulators and professional consumer and community service representatives is creating its own risk of risk allocation to small consumers. This is why it is important to extend small consumer participation to influence the debate's structure, content and outcomes.

The key issue for any co-operative is its membership – whether there are a viable number of potential members. A co-operative is formed by those who will constitute its membership. A co-operative is not formed first and, then, undertakes a search for membership.

A priority, therefore, is to establish the existence and willingness of partners to form the foundation membership of the co-operative. This is an essential precondition to creating a real and sense of ownership by the members and, then, it will be possible to proceed with the development of a business plan which will incorporate co-operative analysis, vision and mission, market analysis, marketing and sales activities, product and service research and development, governance and personnel and sources and uses of funds.

The first step, therefore, is to identify the potential member partners and seek organisational commitment from these to form the foundation membership of an energy co-operative.

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- ⇒ Legal & regulatory issues (Linda McMillan, Ferrier Swier Consulting)

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